REMARKS

Upon entry of the above amendment, claims 6-9, 12-13, 15 and 17-29 will be pending in the present application. The claims have been amended in the expectation that the amendments will place this application in condition for allowance. In particular, the objected to claims 6-9, 12-13, 15 and 17 have been amended to introduce the limitations of the rejected base claims, thereby making them allowable.

The amendments do not introduce new matter within the meaning of 35 U.S.C. § 132. Accordingly, entry of the amendments is respectfully requested.

1. Rejection of claims 5, 10, 11 and 16 under 35 U.S.C. §103(a)

The Official Action states that claims 5, 10, 11 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Borron et al. in view of Nicholson.

RESPONSE

Applicants again respectfully traverse this rejection. However, solely to obtain a Notice of Allowance on the allowed and objected to claims in this application, applicants have

cancelled rejected claims 5, 10-11 and 16 without prejudice to or disclaimer of the subject matter contained therein, removing the basis for this rejection.

Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this rejection, and allow all other pending claims to proceed to grant.

2. Objection to claims 6-9, 12-13, 15 and 17

The Official Action states that claims 6-9, 12-13, 15 and 17 are objected to but would be allowable if rewritten into independent format.

Applicants thank the Examiner for this indication of allowable subject matter. Claims 6-9, 12-13, 15 and 17 have been amended to introduce the limitations of the rejected base claims.

Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the objection to claims 6-9, 12-13, 15 and 17, and allow these claims to proceed to grant.

3. Allowability of claims 18-29

Applicants thank the Examiner for this indication of allowed subject matter. Applicants respectfully submit that

this application is now in condition for allowance.

Accordinlgy, applicants respectfully request that the Examiner allow pending claims 6-9, 12-13, 15 and 17-29 to proceed to grant.

CONCLUSION

In view of the foregoing, applicants respectfully request the Examiner to allow all claims pending in this application.

If the Examiner has any questions or wishes to discuss this matter, the Examiner is welcomed to telephone the undersigned attorney.

Respectfully submitted,
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Appendix A

Claim Amendments

1. - 4. (Canceled)

5. (Canceled)

6. (Currently amended) A method for treating a pulmonary infection in a patient prone to or afflicted with such condition, comprising administering to a patient in need thereof a therapeutically effective amount of a lipid-free pharmaceutical composition ~~according to claim 5~~ in powder form comprising a pharmaceutically acceptable active component and a suitable carrier therefore, wherein the active component comprises recombinant surfactant protein A (rSP-A).

7. (Previously presented) The method according to claim 6, wherein the pulmonary infection is bacterial, viral or fungal pneumonia.

8. (Currently amended) A method for treating a pulmonary inflammation in a patient prone to or afflicted with

such condition, comprising administering to a patient in need thereof a therapeutically effective amount of a lipid-free pharmaceutical composition ~~according to claim 5~~ in powder form comprising a pharmaceutically acceptable active component and a suitable carrier therefore, wherein the active component comprises recombinant surfactant protein A (rSP-A).

9. (Previously presented) The method according to claim 8, wherein the pulmonary inflammation is bronchopulmonary dysplasia.

10. (Canceled)

11. (Canceled)

12. (Currently amended) ~~The pharmaceutical composition of claim 5, wherein the active component further comprises~~ A lipid-free pharmaceutical composition in powder form comprising a pharmaceutically acceptable active component and a suitable carrier therefore, wherein the active component comprises recombinant

surfactant protein A (rSP-A) and surfactant protein D (SP-D).

13. (Currently amended) A method for treating a pulmonary infection or inflammation in a patient prone to or afflicted with such condition, comprising administering to a patient in need thereof a therapeutically effective amount of a lipid-free pharmaceutical composition ~~according to claim 5~~ in powder form comprising a pharmaceutically acceptable active component and a suitable carrier therefore, wherein the active component comprises recombinant surfactant protein A (rSP-A).

14. (Canceled)

15. (Currently amended) A method of treating a pulmonary infection or inflammation in a patient prone to or afflicted with such condition, comprising administering to a patient in need thereof a therapeutically effective amount of a ~~pharmaceutical composition according to claim 12~~ lipid-free pharmaceutical composition in powder form comprising a

pharmaceutically acceptable active component and a suitable carrier therefore, wherein the active component comprises recombinant surfactant protein A (rSP-A) and surfactant protein D (SP-D).

16. (Canceled)

17. (Currently amended) An article of manufacture comprising packaging material and ~~the pharmaceutical composition according to claim 12~~ a lipid-free pharmaceutical composition in powder form comprising a pharmaceutically acceptable active component and a suitable carrier therefore, wherein the active component comprises recombinant surfactant protein A (rSP-A) and surfactant protein D (SP-D) contained within the packaging material, wherein the packaging material comprises a label or package insert which indicates that the active component is useful for treating a pulmonary microbial infection or inflammation.

18. (Previously presented) A method for treating a pulmonary infection in a patient prone to or afflicted

with such condition, comprising administering to a patient in need thereof a therapeutically effective amount of a lipid-free pharmaceutical composition comprising a pharmaceutically acceptable active component and a suitable carrier therefore, wherein the active component comprises recombinant surfactant protein A (rSP-A).

19. (Previously presented) The method according to claim 18, wherein the pulmonary infection is bacterial, viral or fungal pneumonia.

20. (Previously presented) A method for treating a pulmonary inflammation in a patient prone to or afflicted with such condition, comprising administering to a patient in need thereof a therapeutically effective amount of a lipid-free pharmaceutical composition comprising a pharmaceutically acceptable active component and a suitable carrier therefore, wherein the active component comprises recombinant surfactant protein A (rSP-A).

21. (Previously presented) The method according to claim 20, wherein the pulmonary inflammation is bronchopulmonary dysplasia.

22. (Previously presented) A method for treating a pulmonary infection or inflammation in a patient prone to or afflicted with such condition, comprising administering to a patient in need thereof a therapeutically effective amount of a lipid-free pharmaceutical composition comprising a pharmaceutically acceptable active component and a suitable carrier therefore, wherein the active component comprises recombinant surfactant protein A (rSP-A).

23. (Previously presented) A lipid-free pharmaceutical composition comprising a pharmaceutically acceptable active component and a suitable carrier therefore, wherein the active component comprises recombinant surfactant protein A (rSP-A) and further comprises surfactant protein D (SP-D).

24. (Previously presented) A method for treating a pulmonary infection in a patient prone to or afflicted with such condition, comprising administering to a patient in need thereof a therapeutically effective amount of a pharmaceutical composition according to claim 23.

25. (Previously presented) The method according to claim 24, wherein the pulmonary infection is bacterial, viral or fungal pneumonia.

26. (Previously presented) A method for treating a pulmonary inflammation in a patient prone to or afflicted with such condition, comprising administering to a patient in need thereof a therapeutically effective amount of a pharmaceutical composition according to claim 23.

27. (Previously presented) The method according to claim 26, wherein the pulmonary inflammation is bronchopulmonary dysplasia.

28. (Previously presented) A method of treating a pulmonary infection or inflammation in a patient prone to or afflicted with such condition, comprising administering to a patient in need thereof a therapeutically effective amount of a pharmaceutical composition according to claim 23.

29. (Previously presented) An article of manufacture comprising packaging material and the pharmaceutical composition according to claim 23 contained within the packaging material, wherein the packaging material comprises a label or package insert which indicates that the active component is useful for treating a pulmonary microbial infection or inflammation.